

HOUSE BILL NO. 247

INTRODUCED BY J. ROSS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING ALTERATION OF COUNTY PARK DISTRICT BOUNDARIES AND DISSOLUTION OF COUNTY PARK DISTRICTS; IMPOSING REQUIREMENTS ON TERRITORY PROPOSED TO BE WITHDRAWN FROM A DISTRICT; MAKING CONSISTENT THE PERCENTAGE OF THE ELECTORATE THAT IS REQUIRED TO SIGN A PETITION FOR ALTERING DISTRICT BOUNDARIES AND FOR DISSOLVING A DISTRICT; REQUIRING THAT PUBLIC HEARINGS ON ALTERING A DISTRICT AND DISSOLVING A DISTRICT BE HELD WITHIN A SPECIFIC TIMEFRAME; SPECIFYING WHEN THE QUESTION OF ALTERING BOUNDARIES MUST BE PRESENTED TO THE ELECTORATE; PROVIDING THAT ONLY THE GOVERNING BODY MAY SUBMIT A RESOLUTION OF INTENT TO DISSOLVE A DISTRICT; REQUIRING THE GOVERNING BODY TO SUBMIT THE QUESTION OF DISSOLUTION TO THE ELECTORATE AFTER A PUBLIC HEARING IS HELD; REMOVING THE GOVERNING BODY'S AUTHORITY TO CALL FOR A PUBLIC HEARING ON OR SUBMIT A QUESTION TO THE ELECTORATE REGARDING ALTERING THE BOUNDARIES OF A DISTRICT BY WITHDRAWAL OF TERRITORY; AND AMENDING SECTIONS 7-16-2441 AND 7-16-2442, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-16-2441, MCA, is amended to read:

"7-16-2441. Alteration of district boundaries. (1) The boundaries of a county park district may be enlarged by the annexation of contiguous territory in the county or it may be reduced in size by the withdrawal of territory from the district after an election on the question approved by simple majorities of the electorate involved. Territory proposed to be withdrawn must be compact and contiguous to a boundary of the district.

(2) (a) The alteration of the district boundary may be initiated in the same manner as the creation of the district, except the applicable resolutions, hearings, and procedures must be adopted and conducted by the county park district commission and not by the county governing body.

(b) If the alteration is proposed by petition, the petition must include a description of the area to be annexed or withdrawn and must be signed by ~~45%~~ 40% of the electorate in the territory to be annexed or withdrawn from the district and certified as sufficient by the county clerk.

1 (c) A public hearing on the alteration of the district must be held within 45 days of certification of the
2 petition or adoption of a resolution of intent to alter the district by the county park district commission.

3 (3) (a) In the case of annexation, the vote on the question requires the separate majorities of the
4 electorate of the territory to be annexed and the electorate of the then constituted district.

5 (b) In the case of withdrawal of territory, only the electorate of the territory to be withdrawn may vote
6 on the question. If the withdrawal is proposed by petition, after the hearing held pursuant to subsection (2)(c),
7 the county park district commission shall submit the question of withdrawal to the appropriate electorate.

8 (4) The question of altering the boundaries of a park district must be presented to the appropriate
9 electorate at the first regularly scheduled election after the public hearing held pursuant to subsection (2)(c). The
10 election on the question must be conducted as provided in Title 13.

11 ~~(4)(5)~~ A change in the boundaries of a district is effective on January 1 of the year following the election
12 authorizing the change in boundaries."
13

14 **Section 2.** Section 7-16-2442, MCA, is amended to read:

15 **"7-16-2442. Dissolution of county park district.** (1) A county park district may be dissolved after an
16 election on the question of dissolving the district. The process of dissolving the district may be initiated by a
17 petition of ~~25%~~ 40% of the electorate of the district or by a resolution of intent to dissolve the district adopted by
18 ~~either the county park district commission or the county governing body.~~

19 (2) ~~Upon~~ Within 45 days of receipt of a petition that has been certified by the county clerk as sufficient
20 under this section or ~~upon~~ within 45 days after the adoption of a resolution of intent, the county governing body
21 shall ~~call~~ hold a public hearing on the question of dissolving the district and publish a notice of the hearing as
22 provided in 7-1-2121.

23 (3) At the public hearing, the county governing body shall hear testimony of interested persons
24 regarding the dissolution of the district. After the public hearing, the county governing body ~~may either~~ shall
25 submit the question of dissolving the district to the electorate of the district ~~or it may call for a public hearing on~~
26 ~~the question of altering the boundaries of the district. If the county governing body calls for a public hearing on~~
27 ~~the question of altering the boundaries of the district by withdrawal of territory, it shall publish notice of the~~
28 ~~hearing as provided in 7-1-2121. The notice must state the boundaries of the area proposed to be withdrawn~~
29 ~~from the district. After hearing testimony at the hearing, the county governing body may submit the question of~~
30 ~~either dissolving the district or altering the district by withdrawal of specified territory from the district to the~~

1 ~~electorate of the district.~~

2 (4) The question must be submitted by a resolution calling for an election on ~~either~~ dissolving the district
3 ~~or altering the boundaries of the district by withdrawal of land from the district.~~ The county governing body shall
4 schedule the election in conjunction with ~~any other~~ the next regularly scheduled election after the public hearing
5 held pursuant to subsection (2). The election on the question must be conducted as provided in Title 13.

6 ~~(5) The question of withdrawal of territory under this section must be voted on separately by the~~
7 ~~electorate of the territory to be withdrawn and the electorate of the balance of the territory of the district. The~~
8 ~~question fails unless a simple majority of those voting on the question in each of the two territories authorize~~
9 ~~altering the district boundary. If the question passes, the boundary alteration is effective the following January~~
10 ~~1. If the question fails, the county governing body shall by resolution call for an election on the question of~~
11 ~~dissolving the district."~~

12 - END -